

12/7/97 Mulberry Phosphates/Alafia River Spill -
Under the Interagency MOU for Coordination of
Natural Resource Damage Assessment

Resolution of the Interagency Council
Resolution No. 2000-01

The Florida Department of Environmental Protection (FDEP), the U.S. Department of the Interior, acting through the United States Fish and Wildlife Service (USFWS), the Environmental Protection Commission of Hillsborough County (EPC), Polk County Department of Natural Resources, the National Oceanic and Atmospheric Administration (NOAA) (collectively, "the Agencies"), entered into a Memorandum of Understanding (MOU) dated July 9, 1998, to provide for coordination and cooperation among these agencies in assessing damages for injuries to natural resources resulting from the December 7, 1997 Alafia River Spill (hereafter, "the Incident") and in identifying actions appropriate for use to restore, rehabilitate, replace or acquire the equivalent of the injured natural resources or resource services as a basis for defining such damages.

To effectively and efficiently meet the responsibilities for this assessment and restoration planning process, Section V of the MOU established an Interagency Council comprised of one representative from each agency to plan, coordinate and authorize all activities and matters under the MOU. As described in Section V (A) of the MOU, the duties of the Interagency Council include overseeing the development of a plan for the restoration, replacement, rehabilitation and/or acquisition of equivalent resources for those natural resources, and/or resource services which have been injured, destroyed or lost as a result of the Incident.

Pursuant to the MOU, the Agencies prepared a Draft Damage Assessment and Restoration Plan and Environmental Assessment (Draft DARP/EA) addressing the natural resources affected by this Incident. Mulberry Phosphates, Inc (MPI), the party responsible for the spill, and other interested members of the public were included in the development of that document. The Draft DARP/EA was released for formal public review and comment on July 7, 1999. The Agencies received comments from various members of the public and from MPI during this public comment period. The Agencies considered and addressed all comments received on the Draft DARP/EA in the course of finalizing the assessment methods and selection of restoration alternatives, and in preparing a Final DARP/EA incorporating these assessment decisions.

The Final DARP/EA is attached (Attachment A). It has been reviewed by each Agency and found to represent the position of each Agency with regard to the natural resources which were injured, lost or destroyed as a result of the Incident and the restoration actions which are necessary or appropriate to define public compensation for such losses.

Therefore, in accordance with Section VII of the MOU, the Council finds the attached Final DARP/EA to be consistent with the purpose of the MOU and hereby acts, by consensus, to

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approve and adopt the Final DARP/EA. Based on this approval, the Council directs that the Final DARP/EA be included in the Administrative Record and that a Notice announcing its public availability be promptly published.

This resolution may be executed in counterparts. All counterpart signature pages shall be considered part of the original document. This Resolution will be effective upon the date of the last signature hereto.

As the Interagency Council:




Sam Zamani, FDEP

10 / 19 / 2000



John Iliff, NOAA

10 / 19 / 2000




Robert Frakes, USFWS

10 / 19 / 2000



Joe King, Polk County

10 / 19 / 2000



Chris Dunn, EPC

10 / 19 / 2000